

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF OKLAHOMA**

LUCIOUS CLARENCE CONWAY JR., Plaintiff, v. GARY HUFFMAN, <i>et al.</i> , Defendants.	Case No. CIV-25-080-RAW-GLJ
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ORDER

Before the court are the Plaintiff’s motion for leave to proceed *in forma pauperis* [Docket No. 3] and the Report and Recommendation (“R&R”) issued by Magistrate Judge Jackson, recommending that this action be dismissed *sua sponte* and the motion be denied as moot [Docket No. 9]. The Plaintiff filed an objection to the R&R [Docket No. 10] and a motion for leave to file a supplement to his objection [Docket No. 11].

Pursuant to 28 U.S.C. § 1915(e)(2)(B), “[n]otwithstanding any filing fee, or any portion thereof, that may have been paid, the court shall dismiss the case at any time if the court determines that . . . the action . . . fails to state a claim on which relief may be granted.” Moreover, as noted by Magistrate Judge Jackson, the court is *required* to dismiss an IFP claim that fails to state a claim on which relief may be granted. *See Trujillo v. Williams*, 465 F.3d 1210, 1216 n. 5 (10th Cir. 2006).

The court has reviewed the Complaint in this case as well as the R&R, the objection thereto, and the proposed supplement to the objection. The court finds that Magistrate Judge Jackson correctly determined that the court lacks subject matter jurisdiction and that even if the

court had subject matter jurisdiction, the Plaintiff has failed to state a federal claim upon which relief may be granted. Accordingly, the R&R [Docket No. 9] is hereby affirmed and adopted as this court's Findings and Order. This action is hereby dismissed and the motion for leave to proceed *in forma pauperis* [Docket No. 3] is hereby denied as moot. The motion for leave to supplement his objection [Docket No. 11] is granted insofar as the court considered his arguments therein; it is denied in all other respects.

IT IS SO ORDERED this 17th day of July, 2025.

A handwritten signature in black ink, reading "Ronald A. White". The signature is written in a cursive, flowing style.

**THE HONORABLE RONALD A. WHITE
UNITED STATES DISTRICT JUDGE
EASTERN DISTRICT OF OKLAHOMA**